



جامعة مؤتة

عمادة الدراسات العليا

2011

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فهرس المحتويات

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Abstract

Sea and Seawater Rules in Islamic Jurisprudence

Hanan Odeh Al-Dmour

Mu'tah University, 2011

This thesis is about sea and seawater jurisprudence. The thesis shows that feudalization of rivers and pools are not allowed as they are beneficial to the public. It also shows that eating sea-foods is allowed except for those proved to be harmful to human health. Furthermore, the thesis shows the rulings of marine crimes such as in cases of ship crashes with respect to compensation for unintentional killing and penalties for intentional killing through not taking measures to safeguard a ship.

The rulings cover instances of throwing away for the sake of saving the passenger. The rulings of the rights of inheritance of those get drowned are also included. In such case those who drown later inherit those who drown earlier. In cases of uncertainty as to who drowns first they do interest one another and the living folks of the drowned will inherit the drowned irrespective of who inherits who among the drowned.

1.1 :

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﴿وَإِذْ قَالَ رَبُّكَ لِلْمَلَائِكَةِ إِنِّي جَاعِلٌ

فِي الْأَرْضِ خَلِيفَةً﴾⁽¹⁾

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إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ﴾⁽⁴⁾.

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وَأَخْرَيْنَ مِنْ دُونِهِمْ لَا تَعْلَمُونَهُمُ اللَّهُ يَعْلَمُهُمْ» (2)

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2. : ﴿إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخَنَازِيرِ﴾⁽¹⁾.

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: ﴿أُحِلَّ لَكُمْ صَيْدُ الْبَحْرِ﴾

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﴿وَمَا يَسْتَوِي الْبَحْرَانِ هَذَا عَذْبٌ فُرَاتٌ سَائِغٌ شَرَابُهُ وَهَذَا مِلْحٌ أُجَاجٌ وَمَنْ كُلَّ تَاْكُلُونَ

لَحْمًا طَرِيًّا﴾⁽²⁾.

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﴿لَتَأْكُلُوا مِنْهُ لَحْمًا طَرِيًّا﴾ (1)

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1. : ﴿أَحِلَّ لَكُمْ صَيْدُ الْبَحْرِ وَطَعَامُهُ مَتَاعًا لَكُمْ وَلِلسَّيَّارَةِ﴾⁽⁵⁾.

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.49 (2)

3 2001 1 (3)

.551

.149 7 (.) (.) (4)

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.356 1983/ 1403

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.35 1

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﴿حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخَنزِيرِ وَمَا أُهْلَ لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ

وَالْمَوْقُوذَةُ﴾ (2)

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(1) www.alraeed.net/releedmag/preview.php?id=1474

(2) (3).

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(4) www.alraeed.net/releedmag/preview.php?id=1474

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.519 1 (2)

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1993/ 1414 (.) (4)

.84 27

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.902 2 1987

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.365 6 1997 (.) 1

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﴿وَلَقَدْ كَرَّمْنَا

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بَنِي آدَمَ﴾⁽²⁾.

: ﴿وَسَخَّرَ لَكُم مَّا فِي

السَّمَاوَاتِ وَمَا فِي الْأَرْضِ﴾⁽³⁾. "

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.452 10 (1)

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.537 1 (1)

.528 3 (2)

.452 10 (3)

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895 (2685) (2684) (2683) (.)

.120 (.)

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$$.528 \quad 3 \quad (1)$$
$$.249 \quad 4 \quad (2)$$
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.641-640 3 2005

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154 5 1

.952 1 (2445) 89) (14)

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: ﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى

التَّهْلُكَةِ﴾⁽³⁾

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.267-266 1

6 6 2 (2)

.441 2 (.) (.)

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.242 2-1 (.)

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.283 (.) 2

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.335 8 (7)

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.137-136 10 (4)

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.156 2 1996 (.) 1 (7)

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		.256 1 2	
:			(2)
		.397 2	
	45 15	35 7	(3)
	156 2	156 2	
8		387 (.) 8	
		.13	
		.222 8	(4)
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11	465 7 1		
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.92 8 133 10

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.396 4

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(6)				(8)	(7)
			.1255	2	(1)
			.245	7	(2)
			.401	9	(3)
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			.1548	3	(1955)
			.30-29	8	(6)
.25	6		51-50	5	(7)
			.228	10	(8)

﴿وَلَكُمْ فِي الْقِصَاصِ

1. :

حَيَاةُ يَا أُولِي الْأَلْبَابِ لَعَلَّكُمْ تَتَّقُونَ﴾⁽¹⁾.

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(2)

﴿وَجَزَاءُ سَيِّئَةٍ سَيِّئَةٌ مِّثْلُهَا﴾⁽³⁾

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.296-295 (.) (2)

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	.548	3				(1)
.411	11		338	12		(2)
		.357	10			(3)
		.175				(4)
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.451	10			190	7
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(.)					(2)
				6	6
		:	260-259		
	.588	1		:	
			.362-360	12	(3)
4			362-360	12	(4)
			.464	6	71

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(2)" ﴿إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تُؤَدُّوا الْأَمَانَاتِ إِلَىٰ أَهْلِهَا﴾ (3).

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.23-20 (2)

.(58) (3)

(1)»

﴿تِلْكَ حُدُودُ اللَّهِ فَلَا تَعْدُواهَا وَمَنْ يَتَعَدَّ

﴿أَمَّا السَّفِينَةُ فَكَانَتْ لِمَسَاكِينَ

حُدُودَ اللَّهِ فَأُولَئِكَ هُمُ الظَّالِمُونَ﴾⁽²⁾

يَعْمَلُونَ فِي الْبَحْرِ فَأَرْدَتْ أَنْ أَعْيِبَهَا وَكَانَ رِءَاؤُهُمْ مَلِكٌ يَأْخُذُ كُلَّ سَفِينَةٍ غَصْبًا﴾⁽³⁾

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(1)

<http://www.shareah.com/index.php?/records/vie/w.action>

.(229)

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<http://www.shareah.com/index.php?/records/vie/w.action>

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(1) \vdots

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(6) \parallel

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.63	1	(2)
.196		(3)
509		(4)
.44	1	
	.90	7 (5)
	.433	2 (6)

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			183	6		(1)
550	4	2004	(.)		1	
				.193-192	3	
	1					(2)
				.50	3	2000
.247	3		723	11		(3)
			.392			(4)
348	4					(5)
		216	9			
	.230					
.294	2	(.)	(.)			(6)

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				.249	11	
	255	10		476		(3)
.3054	9			503	10	
			.128	9		(4)
			.503	10		(5)
			.129	9		(6)

يُصَلِّبُوا أَوْ تَقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِّنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ ﴿١﴾

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﴿إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ...﴾

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	2	513.	197	2		(4)
	6	150.	255	2		(5)
10			353	3		(6)
					504.	

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﴿وَقَالُوا كُونُوا هُودًا أَوْ نَصَارَى﴾⁽³⁾

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1 235 3 (1)

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﴿وَجَزَاء سَيِّئَةٍ سَيِّئَةٌ مِّثْلُهَا﴾⁽⁵⁾

﴿قُلْنَا يَا ذَا الْقُرْنَيْنِ إِمَّا﴾⁽⁶⁾ :

(1) 25 716.

(2) 12 503.

(3) 25 756

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8 7.

(4) 5 155 8 390.

(5) 27 379 24 392.

(6) 27 379.

أَنْ تُعَذِّبَ وَإِمَّا أَنْ تَتَّخِذَ فِيهِمْ حُسْنًا⁽¹⁾

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: ﴿إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا
أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِّنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ﴾⁽⁶⁾.

(1) (39).

(2) 6 298

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(3) 1

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(6) (32).

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: ﴿مِنْ أَجْلِ ذَلِكَ كَتَبْنَا عَلَى بَنِي إِسْرَائِيلَ أَنَّهُ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا﴾⁽⁴⁾.

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(فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا)

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﴿مَنْ

قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا﴾⁽⁴⁾

(مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ)

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409 9

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.298 5

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(أَوْ فَسَادٍ فِي الْأَرْضِ)

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(إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ) :

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.695-694	25	(1)
.723-722	11	(2)
.93		(3)

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﴿إِنَّمَا أَشْكُو بَثِّي وَحُزْنِي إِلَى اللَّهِ﴾⁽¹⁾ ﴿عَبَسَ

وَتَوَلَّى﴾⁽²⁾

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(أَنْ يُقْتَلُوا أَوْ

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(3) 9 407-408.

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يُصَلُّوا

(1)

﴿هَدْيًا بَالِغَ الْكَعْبَةِ أَوْ

كَفَّارَةً طَعَامُ مَسَاكِينَ أَوْ عَدْلُ ذَلِكَ صِيَامًا﴾⁽²⁾

() (3) ﴿فَمَنْ لَّمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَابَعَيْنِ﴾⁽⁴⁾
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231 3 (1)

(95) (2)

232 3 (3)

(92) (4)

231 3 (5)

380-379 17 (6)

354-353 13

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: ﴿وَجَزَاءُ سَيِّئَةٍ سَيِّئَةٌ مِّثْلُهَا﴾ (4) ﴿فَمَنْ اعْتَدَى عَلَيْكُمْ فَاعْتَدُوا

عَلَيْهِ بِمِثْلِ مَا اعْتَدَى عَلَيْكُمْ﴾ (5) : ﴿وَإِنْ عَاقَبْتُمْ فَعَاقِبُوا بِمِثْلِ مَا عُوقِبْتُمْ بِهِ﴾ (6)

﴿كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِي الْقَتْلِ﴾ (7)

(8)

10	504-505.	(1)
6	185.	(2)
6	474.	(3)
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424	4	449	9	(2)
.514	2	268	4	
4	87	8	480	12
				(3)
			.365	
558	3	94	2	(4)
	183		43	5
			.237	2-1
			.241	6
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	3		2/1

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24	24	8	×3	
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576	24	×1		72×8	72	24	×3	
+96	4		6/1	12	12	4		6/1
72				9	9	3		8/1
128				16	48	16		3/2
128				16				
128				16				
				3	3	1		
3	3		8/1	(2)			(1)	
17	17							

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$$(1 = 3 \div 3)$$

$$(8 = 3 \div 24)$$

(2)

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:(2)

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1152	96×1	96	8	×12		36×32	36	12	×3	
288					×	9	9	3		4/1
256					×	8	24	8		3/2
256					×	8				
256					×	8				
						3	3	1		
4	4	12	1		8/1	2			1	
4	4									
4	4									
48	48	48	4		2/1					
9	9	36	3							
9	9									
18	18									

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4 3 (4)

.(12=3×4)

2

(1 = 3 ÷ 3) (32 = 3 ÷ 96) .

(1) (2)

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$$345 \quad 4 \quad (1)$$

345 4 (2)

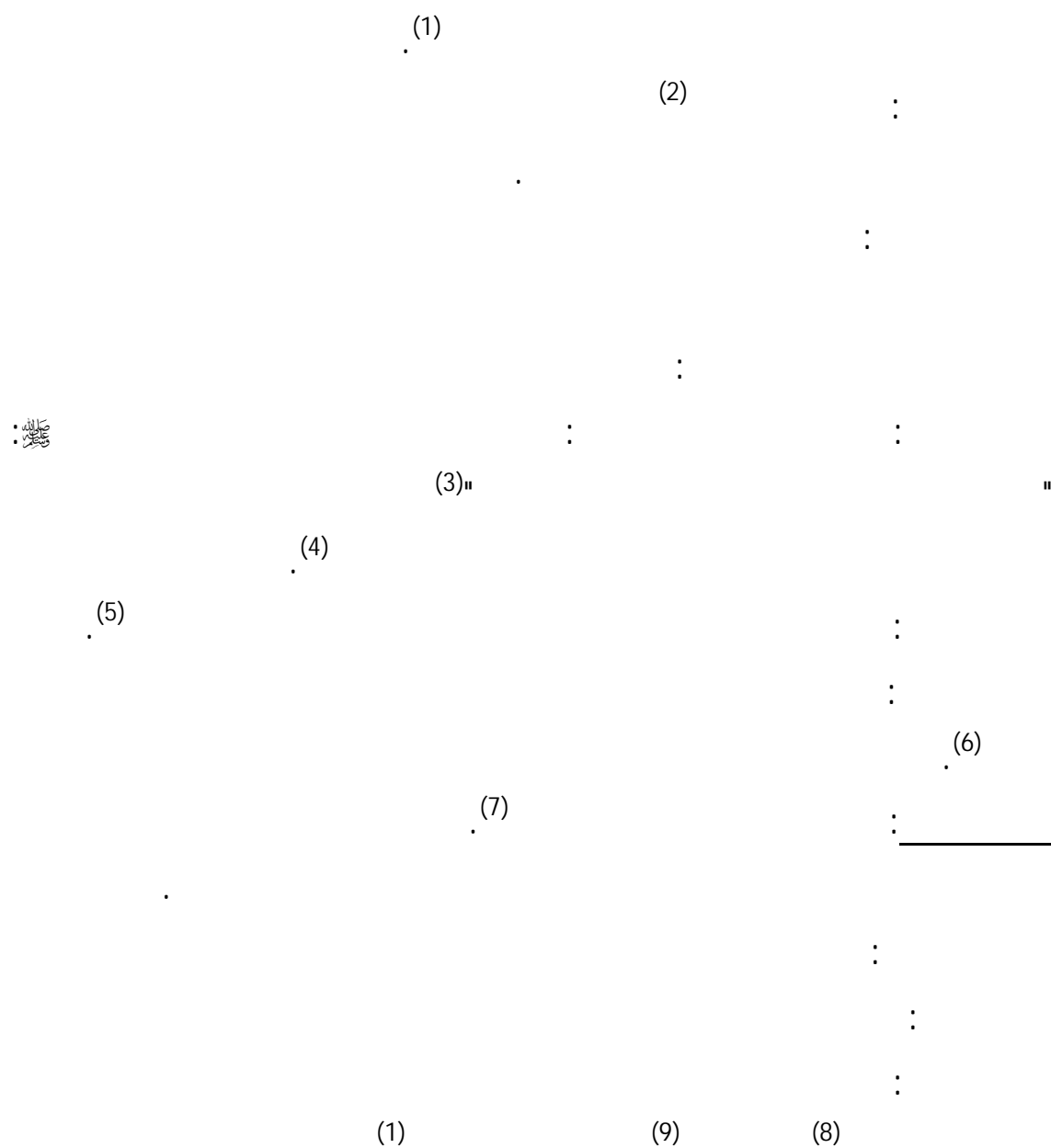
.379

$$.16 \quad 5 \qquad 522 \quad 6 \qquad (3)$$
$$.769 \quad 2 \quad (4)$$
$$300 \qquad 384 \qquad 406 \qquad (5)$$

98 2 1019 2

.253 8

.379 2 (6)



			.153	6	(1)	
			.325-424	7	(2)	
			.94	2	(3)	
.325	7		643	4	(4)	
	..252		227	6	(5)	
			.44	5	(6)	
			.44	5	(7)	
	.769		29	30	(8)	
	.487	4		423	6	(9)

⋮

⋮

⋮

⋮

(6400)

(3200)

.1

	8		
800=800 ×	1		8/1
3200 =800 ×	4		2/1
2400 =800 ×	3		

$$800 = 8 \div 6400$$

	4		
800=800 ×	1		4/1

1600 =800 ×	2		2/1
800 =800 ×	1		

$$800 =4 \div 3200$$

(3200)

(800)

(3200)

(800)

(3200)

(800)

(2400)

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	32	8	×1	4×8		
800=100×	8		×	1		4/1
1600=100×	16		×	2		2/1
				1		
300=300×	3	3				×
100=100×	1	1		8/1		
400=100×	4	4		2/1		

$$100 = 32 \div 3200$$

	8		
800=800 ×	1		8/1
3200 =800 ×	4		2/1
2400 =800 ×	3		

$$800 = 8 \div 6400$$

:

100

1600

800

$$900 = 800 + (\quad)$$

$$3600 = - 3200 + (\quad) 400$$

$$2700 = 2400 + (\quad) 300$$

	32	4	×3	8×4		
800=200×	4		×	1		8/1
3200=200×	16		×	4		2/1
				3		
600=200×	3	1				×
600=200×	3	1		4/1		
1200=200×	6	2		2/1		

$$200 = 32 \div 6400$$

(3200)

	4		
800=800 ×	1		4/1
1600 =800 ×	2		2/1
800 =800 ×	1		

800 =4 ÷ 3200

:

800+() 600
) 1200 1400 =
 2800 = 1600 +(800
 3200

1400 = 800 + 600

:

1400	800
2800	1600
800	900
3200	3600
1400	2700

:

:

8		
1		8/1
4		2/1
3		
		×

:

4		
1		4/1
2		2/1
1		
		×

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	32	4	×3		8×4		
	4		×		1		8/1
	16		×		4		2/1
					3		
	3	1					×
	3	1		4/1			
	6	2		2/1			

—

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أ.

ب.

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	32	4	×3		8×4		
200×	4			×	1		8/1
200×	16			×	4		2/1
200×					3		

200×	3	1					×
200×	6	2		2/1			
200×	3	1		4/1			

$$200 = 32 \div 6400$$

32

.

:

	32	4	×	3	4×8		
100×	8			×	1		4/1
100×	16			×	2		2/1
					1		
100×	3	3					×
100×	1	1		8/1			
100×	4	4		2/1			

$$100 = 32 \div 3200$$

32

.

:

$$. \quad 1400 = 600 \quad +800$$

$$. \quad 2800 = 1200 \quad +1600$$

$$. \quad 900 = 100 \quad +800$$

$$. \quad 3600 = 400 \quad +3200$$

$$. \quad 900 = 300 \quad +600$$

:

4200

$$. \quad 3000$$

:

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	6	6		
700=700 ×	1	1		6/1
1400 =700 ×	2			
1400 =700 ×	2			
700 =700 ×	1			

.

$$700 = 6 \div 4200$$

:

	6	6		
500=500 ×	1	1		6/1
1000 =500 ×	2			
1000 =500 ×	2			
500 =500 ×	1			

.

$$500 = 6 \div 3000$$

:

700

500

$$. \quad 2400 = \quad 1000 + \quad 1400$$

$$. \quad 2400 = \quad 1000 + \quad 1400$$

$$1200 = 500 + 700$$

:

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	120	6	×5		60×2	12×5	
					15	3	4/1
500=25×20			×		10	2	6/1
950=25×(10+28)	2				14	7	
950=25×(10+28)	2				14		
475=25×(5+14)	1				7		
125=25 × 5	1		6/1	(1)			

(2)

(1)

(15)

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(2)

$$\frac{3 \div 15}{5} : \frac{6 \div 3}{2}$$

$$25 = 120 \div 3000$$

:

	6	
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700=700 ×	1		6/1
1400 =700 ×	2		
1400 =700 ×	2		
700 =700×	1		

. 700 =6 ÷ 4200

:

. 500

. 825 = 700 +() 125

. 2350=950 +1400

. 1175=475 +700

:

240 6 ×5 ×2 24 ×5							
120							
				15	3		8/1
664=16.6×40				20	4		6/1
=16.6×(10+68) 1300	2			34	17		
=16.6×(10+68) 1300	2			34			
650=16.6×(5+34)	1			17			
83=16.6 × 5	1		6/1	(1)			

(2)

- - (1)

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(2)

2 = 3÷6 : 15÷3 = 5

(2)

.

$$\begin{array}{l} . \\ : \end{array} \quad 16.6 = 240 \div 4000$$

	6		
500=500 ×	1		6/1
1000 =500 ×	2		
1000 =500 ×	2		
500 =500×	1		

$$\begin{array}{l} . \\ : \end{array} \quad 500 = 6 \div 3000$$

$$\begin{array}{l} . \\ : \end{array} \quad \begin{array}{l} 583 =(\quad) 83+500 \\ 664 \\ 2300 =1000 \quad +1300 \\ 1150 =500 \quad +650 \end{array}$$

583	500
664	825
2300	2350
1150	1175

:

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120	24	×5	
20	4		6/1
15	3		8/1
34	17		
34			
17			

(1)

(1)

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60	12	×5	
10	2		6/1
15	3		4/1
14	7		
14			
7			

4.

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240	6			$\times 2$	24	$\times 5$	
				120			
				15	3		8/1
40				20	4		6/1
10+68	2			34	17		
10+68	2			34			
5+34	1			17			
5	1		6/1				

(15)

(6)

$$5 = 3 \div 15 : 6 \div 3 = 2$$

—

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ب.

$$240 \quad 6 \quad \times 5 \quad \times 2 \quad 24 \quad \times 5$$

$$120$$

				15	3		8/1
664=16.6×40				20	4		6/1
=16.6×(10+68) 1300	2			34	17		
=16.6×(10+68) 1300	2			34			
650=16.6×(5+34)	1			17			
83=25 × 5	1		6/1				

$$2=3 \div 6 : \quad 15 \div 3 =5$$

$$16.6 =240 \div 4000$$

:

				15	3		4/1
500=25×20			×	10	2		6/1
950=25×(10+28)	2			14	7		
950=25×(10+28)	2			14			
475=25×(5+14)	1			7			

125=25 × 5	1		6/1	
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$$25 = 120 \div 3000$$

:

$$583 = 83 \quad 500$$

$$789 = 125 \quad 664$$

$$2250 = 1300 \quad 950$$

$$1125 = 650 \quad 475$$

$$: \quad 5.5$$

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